

## **ATTACHMENT 6**

### **MINIMUM STANDARDS FOR COI PLANS**

## **MINIMUM STANDARDS FOR EPA CONTRACTORS' CONFLICT OF INTEREST PLANS**

### **1. PURPOSE**

The Environmental Protection Agency (EPA) has identified a need to avoid, neutralize, or mitigate actual and potential contractor conflicts of interest (COI). In order to avoid, neutralize, or mitigate conflicts, contractors are required to have a COI plan for identifying and reporting actual and potential COI. The purpose of this document is to set forth the minimum standards for a contractor's COI plan.

### **2. COI PLAN**

The contractor's COI Plan is a document which describes the procedures a company uses to identify and report COI. Generally, a contractor's corporate COI plan will describe how a company, in its entirety, addresses conflicts, and will not be contract or program specific. The plan may also describe the options a company will consider proposing to avoid, neutralize, or mitigate a COI whenever a conflict is identified. The plan will be evaluated and approved\* by the applicable EPA Contracting Officer (CO) if the COI Plan meets the EPA's minimum requirements for detecting and reporting conflicts of interest. Contractors' COI Plans should be identified by a version number and date, as appropriate. In addition, when applicable, please also identify the version number and date of any previously submitted COI Plans to the Agency, to whom (name, title, and phone number) the COI Plan was submitted, what the solicitation(s)/contract(s) numbers were, and if and when the COI Plan was approved.

\* COs may accept another CO's prior approval of the same version of a contractor's COI Plan when appropriate. COs however, are not required to accept another CO's decision if the CO performs his/her own independent evaluation.

### **3. MINIMUM STANDARDS FOR CONTRACTORS' COI PLANS**

#### **A. Corporate Structure**

The COI Plan shall describe any parent relationship and list all affiliates, subsidiaries, and sister companies, etc. Generally, this need not exceed three corporate tiers, unless a relationship exists beyond three tiers that would potentially create a conflict. In such a case, relationships beyond three tiers should also be included in the COI Plan. Contractors should report changes in its' corporate structure to the Agency throughout contract performance.

Contractors are invited to include under this section, a company profile. The

profile should discuss all pertinent information relevant to COI including a summary of a contractor's primary and/or environmental business functions and activities. This background information will potentially be very useful to contracting officers and the Agency when evaluating whether or not a contractor has a COI.

## **B. Searching and Identifying COI**

The COI Plan shall include a requirement describing when a COI search must be performed by company personnel and clearly identify the procedures to be followed. The searching requirement shall encompass all work related to all clients for whom work was performed over the past three years, all current work, all sites (if applicable), and any future work reflected in marketing proposals. Contractors must search their records over the past 36 months from time of receipt of the work from EPA. However, EPA encourages contractors to search back as far as a company's records cover.

## **C. Data Base**

The COI Plan shall require a data base that includes all necessary information for a contractor to review its past work (at a minimum over the past 36 months), work in progress, and work the company may be pursuing under any marketing proposals. This requirement does not establish any particular type or kind of retrieval system, however, the data base shall contain, at a minimum, the following information and capabilities.

- (1) a list of the company's past and public clients;
- (2) a description of the type(s) of work that was performed and any other pertinent information;
- (3) a list of the past sites (when applicable) a contractor has worked on;
- (4) a list of site name(s) (when applicable) related to any work performed; and
- (5) the ability to search and retrieve the information in the data base.

If applicable, the COI Plan shall include provisions for supplemental searches of a parents, affiliates, subsidiaries, or sister company's records. The COI Plan shall also describe any cross-checks used by the company when searching COI issues.

## **D. Personal Certification**

At a minimum, the COI Plan shall require ALL employees of the company performing work under an EPA Superfund and/or Non-Superfund contract, including work on a site, work relating to a site, or work pertaining to a CERCLA/RCRA action or work that may endanger a CERCLA enforcement action, to sign a personal certification.

It should be noted however, that it is the preference of the Agency that ALL employees of the company be required to sign such a certification rather than only those employees working under an EPA contract. The certification shall require at a minimum, that the individual agrees to report to the proper company authority any personal COI the individual may have on any work that may result in an actual or potential COI. The certification shall also state the individual has read and understands the company's COI Plan and procedures. The employee certifications shall be retained by the company.

**E. Work Assignment (WA), Technical Direction Document (TDD), or Delivery Order (DO) Notification and Certification**

The COI Plan shall describe the process the company requires for notifying the Agency prior to beginning work, and for submission of its' WA/TDD/DO certification within 20 days of receipt of the work from EPA.

NOTE: WA/TDD/DO certifications are NOT required if the contract contains an annual certification requirement. Nevertheless, the contractor's COI Plan should address the procedures to be followed for WA/TDD/DO certifications.

**F. Annual Certification**

The COI Plan shall describe the process the company requires for submission of its annual certification.

NOTE: Annual certification is NOT required if the contract contains a WA/TDD/DO certification requirement. Nevertheless, the contractor's COI Plan should address the procedures to be followed for annual certifications.

**G. Notification and Documentation**

The COI Plan shall clearly delineate who is the responsible official for making COI determinations within the company. Generally, this would be someone at a middle to upper level of management. The responsible official shall be free of any personal conflicts for the purpose of making COI determinations, e.g., a program manager who receives bonuses based on the total amount of sales may not be free of conflicts.

The plan shall clearly identify the process that is required when notifying the EPA of any actual or potential COI and the actions that the company has taken or will take to avoid, neutralize or mitigate the conflict. In addition, a contractor shall document all COI searches related to EPA work, whether or NOT an actual or potential COI has been identified.

**H. Training**

The COI Plan shall require all employees of the company to receive basic COI training, and that each employee receive COI awareness training, at least, on an annual basis. The company's COI Plan shall be available for all employees to review. Annual awareness training shall include, at a minimum, a review of the certification language and any changes that may have occurred in the company's COI Plan. In addition, companies are encouraged to routinely disseminate to their employees current COI information.

#### **I. Subcontractor's COI Plans**

The COI Plan shall describe the process and mechanism by which the company will monitor its subcontractors to ensure all subcontractors are complying with the COI provisions in their contracts. It is important that subcontractors identify and report COI as well as submit Limitation of Future Contracting (LOFC) requests for approval.

## **ATTACHMENT # 7**

### **Past Performance Questionnaire**

#### **General Instructions:**

The Past Performance Questionnaire consists of two parts: a) the Offeror's Past Performance Project Summary; and, b) The Government's Evaluation worksheet.

#### **PART A - Offerors' Past Performance Project Summary(ies):**

**The Offeror shall only complete Part A** - The Past Performance Project Summary. The offeror shall not fill out Parts B or C. The Past Performance Project summaries will be submitted to the contracting officer not later than the close of this announcement. The offeror must assign a sequential tracking number for each of its Project/Contract.

#### **Part B - Evaluation:**

The Contracting Officer or his/her designee will complete Part B of The Past Performance Project Summary.

## PAST PERFORMANCE PROJECT SUMMARY

PAGE \_\_\_\_ OF \_\_\_\_

## PART A - Project Tracking Number:

## OFFERORS PROJECT SUMMARY SOW TASK:

Contract Title or Project Name:	Period of Performance	Contract Value	Contract # & Type
Name of Contracting Activity or Client:	Contracting Officer:	Phone No:	
	Program Manager:	Phone No:	
Firm that Performed	Role Performed:		
Name of Project Leader	Project Leader's Current Phone No:		

Prime or Team Subcontractors that performed this project:

Brief Description of contract, subcontract or project:

## PART B

Name of Evaluator:	Date of Evaluation:
Was project summary relevant ? Yes ( ) No ( )	Was Project summary completed within the past 5 years Yes ( ) No ( )

STRENGTHS:

WEAKNESSES:

Evaluation Score: \_\_\_\_\_ = RAW SCORE: \_\_\_\_\_

= \_\_\_\_\_

RATING: 5=Excellent, 4=Exceeds, 3=Adequate, 2=Inadequate, 1=Poor, 0=Totally Deficient

PAST PERFORMANCE QUESTIONNAIRE		
<b>PART C</b>		Project Tracking Number:
1. Name of Reference	2. Date contacted:	3. Phone No:
4. Facts claimed project summary corroborated by reference: Name of Reference:		RATING: =
5. Was client satisfied with the quality of deliverables and work performed?		RATING: =
6. Were the deliverables and work performed in accordance in accordance with the times specified in the reports of work and work assignments?		RATING: =
7. Were the costs incurred during contract performance in line with the costs proposed in the contract cost proposal and individual work assignment plans?		RATING: =
8. Was the client satisfied with the firm's responsiveness in resolving issues or problems that occurred during performance?		RATING: =
9. Did client conduct business in an ethical and professional manner?		
10. Were the required response times met in the performance of emergency and quick turnaround work?		RATING: =
11. Did client deliver the quality proposed within the price proposed?		RATING: =
12. Would client hire the firm to perform this or a similar project in the future?		RATING: =
TOTAL SCORE		
Name of Evaluator:		



**ATTACHMENT 8**

**CLIENT AUTHORIZATION LETTER**

[Addressee]

Dear "Client":

We are currently responding to the Environmental Protection Agency RFP No. \_\_\_\_\_ for the procurement of \_\_\_\_\_. The EPA is placing increased emphasis in their acquisitions on past performance as a source selection evaluation factor. EPA requires offerors to inform references identified in proposals that EPA may contact them about past performance information.

If you are contacted by EPA for information on work we have performed under contract for your company/agency/state or local government, you are hereby authorized to respond to EPA inquiries.

Your cooperation is appreciated. Please direct any questions to \_\_\_\_\_  
(offeror's point-of-contact)

Sincerely,